

UNOFFICIAL COPY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLI
COUNTY DEPARTMENT, CHANCERY DIVISION



JAMES P. WHITMER,
Plaintiff-Counterdefendant,

v.

NO. 94 CH 3766
Judge Lester Foreman

Doc#: 1531318049 Fee: \$50.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 11/09/2015 01:58 PM Pg: 1 of 7

LESTER MUNSON and JUDITH MUNSON,
Defendants-Counterclaimants.

ORDER

This cause coming on to be heard for trial on Defendants-Counterplaintiffs Lester Munson and Judith Munson's Amended Counterclaim, Defendants-Counterplaintiffs Lester Munson and Judith Munson have rested their case-in-chief, and Plaintiff-Counterdefendant James Whitmer having filed a Motion for Directed Finding pursuant to 735 ILCS 5/2-1110 on the Munsons' prayer for a Permanent Mandatory Injunction, and the Court being fully advised;

IT IS HEREBY ORDERED:

1. Plaintiff-Counterdefendant James Whitmer's aforesaid Motion for Directed Finding pursuant to 735 ILCS 5/2-1110 is hereby granted.
2. Accordingly, a directed finding is hereby entered in favor of Plaintiff-Counterdefendant James Whitmer on Defendants-Counterplaintiffs Lester Munson and Judith Munson's prayer for a Permanent Mandatory Injunction, for the reason articulated in open court, and that claim is dismissed.
3. The Munsons' prayer for a permanent injunction prohibiting further construction of certain structures on Whitmer's property is the subject of a separate Order entered this date.

Howard C. Emmerman
Deane B. Brown
Katz Randall Weinberg & Richmond
333 West Wacker Drive
Suite 1800
Chicago, IL 60606
(312) 807-3800
Attorney No. 90216

ENTER:

ENTERED

NOV 30 2000

JUDGE FOREMAN - 0443


Judge Lester D. Foreman

UNOFFICIAL COPY

Property of Cook County Clerk's Office

I hereby certify that the document to which this certification is affixed is a true copy.

~~DOROTHY BROWN~~ NOV 09 2015
Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL



UNOFFICIAL COPY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT - CHANCERY DIVISION

JAMES P. WHITMER,)	
Plaintiff-Counterdefendant,)	
)	
v.)	No. 94 CH 3766
)	
LESTER MUNSON and JUDITH MUNSON,)	Judge Foreman
Defendants-Counterclaimants.)	
)	PAGE 1 OF 2 PAGES

ORDER

This matter having come before the Court for trial on the Amended Counterclaim of defendants-counterclaimants Lester Munson and Judith Munson ("the Munsons") and the Munsons' motion to make the preliminary injunction heretofore entered permanent, due and proper notice having been given, counsel for both parties being present, and the Court having been advised and taking judicial notice that (1) on February 8, 1995, the parties entered into a Stipulation agreeing that all evidence received during the hearing on the Munsons' motion for a preliminary injunction may be received and considered in any trial on the merits of the counterclaim as part of the record therein without the necessity of resubmitting the evidence or recalling the witnesses and without prejudice to the parties' rights to make motions directed to such evidence, (2) by order dated February 10, 1995, this Court approved the parties' Stipulation, and (3) plaintiff-counterdefendant James P. Whitmer has stipulated that he does not object to making the preliminary injunction permanent, provided that such stipulation is without prejudice to any defenses which he might have to the Munsons' prayer for a mandatory permanent injunction, and the Court having issued and entered an Opinion on August 2, 1996, setting forth the Court's findings of fact and conclusions of law and the Court's opinion that the defendants-counterclaimants were entitled to a preliminary injunction, which Opinion is by this reference incorporated in this Order in haec verba as though fully set forth herein, and the Court having entered an order on August 8, 1996, granting the preliminary injunction, which Order is by this reference incorporated in this Order in haec verba as though fully set forth herein,

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. For the reasons stated in open court in ruling on the Munsons' motion on November 29, 2000, a transcript of such ruling being by this reference incorporated in this Order in haec verba as though fully set forth herein and also for the reasons set forth in this Court's Opinion dated August 2, 1996, and Order

UNOFFICIAL COPY

WHITMER V. MUNSON, No. 94 CH 3766

dated August 8, 1996, the motion of defendants-counterclaimants Lester Munson and Judith Munson to make the preliminary injunction heretofore entered a permanent injunction is granted.

2. For the reasons stated in open court in ruling on the motion on November 29, 2000, a transcript of such ruling being by this reference incorporated in this Order in haec verba as though fully set forth herein and also for the reasons set forth in this Court's Opinion dated August 2, 1996, and Order dated August 8, 1996, plaintiff-counterdefendant James P. Whitmer, and each of his agents, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, are enjoined and restrained from resuming erection or installation or construction of the following structures on or about the property commonly known as 365 N. Canal Street, Chicago, Illinois: (1) the concrete platform located at the southeast corner, (2) the Levitator boat hoist, the upright supports for which are located to the north of the concrete platform, and (3) relocation of the "Weese" hoist.

3. The Munsons' prayer for a mandatory permanent injunction requiring removal or abatement of the structures identified in Paragraph 2 of this Order is the subject of a separate order entered this date.

DATED: November 29, 2000

ENTER:

ENTERED

NOV 30 2000

JUDGE FOREMAN - 0443

Judge

Judge's No.

Jerome H. Torshen
Abigail K. Spreyer
TORSHEN, SPREYER, GARMISA & SLOBIG, LTD.
105 West Adams - Suite 3200
Chicago, IL 60603
312/372-9282
Firm No. 91088
5418\perm.ord

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

1033603512 Page 4 of 6

EXHIBIT A

SITUATED IN THE COUNTY OF COOK AND STATE OF ILLINOIS:

THAT PART OF THE LAND, PROPERTY AND SPACE OF THE PARCEL OF LAND HEREAFTER DESCRIBED, REFERRED TO AS "THE TRACT", WHICH LIES:

(I) NORTH OF THE VERTICAL PROJECTION OF A LINE WHICH IS PERPENDICULAR TO SAID WEST LINE OF WHARFING LOT 1 AT A POINT 85.74 FEET SOUTH OF THE NORTHWEST CORNER THEREOF AND SOUTH OF THE VERTICAL PROJECTION OF A LINE WHICH IS PERPENDICULAR TO SAID WEST LINE OF WHARFING LOT 1 AT A POINT 37.10 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, WHICH PART LIES BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 12.89 FEET ABOVE CHICAGO CITY DATUM (AND BEING THE UPPER SURFACE OF THE FLOOR AT THE GROUND LEVEL OF THE EXISTING (AS OF AUGUST 29, 1988) TOWNHOUSE).

(II) ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 12.89 FEET ABOVE CHICAGO CITY DATUM (AND BEING THE UPPER SURFACE OF THE FLOOR AT SAID GROUND LEVEL) AND LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 21.3 FEET ABOVE CHICAGO CITY DATUM (AND BEING THE UPPER SURFACE OF THE FLOOR AT THE FIRST FLOOR LEVEL OF SAID TOWNHOUSE), SAID PART LYING NORTH OF THE VERTICAL PROJECTION OF A LINE WHICH IS PERPENDICULAR TO SAID WEST LINE OF WHARFING LOT 1 AT A POINT 85.74 FEET SOUTH OF THE NORTHWEST CORNER THEREOF AND SOUTH OF THE VERTICAL PROJECTION OF THE LINES DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST LINE OF SAID WHARFING LOT 1, AT SAID POINT 37.10 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, AND RUNNING THENCE ALONG LINES WHICH ARE PERPENDICULAR TO OR PARALLEL WITH SAID WEST LINE OF WHARFING LOT 1, RESPECTIVELY, THE FOLLOWING COURSES AND DISTANCES; EAST 11.05 FEET; SOUTH 1.87 FEET; EAST 5.83 FEET; NORTH 3.72 FEET; EAST 9.82 FEET; SOUTH 1.85 FEET; AND EAST 8.93 FEET TO THE EASTERLY LINE OF THE

42096117

UNOFFICIAL COPY

EXHIBIT A (continued)

TRACT.

(III) NORTH OF THE VERTICAL PROJECTION OF A LINE WHICH IS PERPENDICULAR TO SAID WEST LINE OF WHARFING LOT 1 AT A POINT 86.28 FEET SOUTH OF THE NORTHWEST CORNER THEREOF AND SOUTH OF THE VERTICAL PROJECTION OF A LINE WHICH IS PERPENDICULAR TO SAID WEST LINE OF WHARFING LOT 1 AT A POINT 37.10 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, WHICH PART LIES ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 21.30 FEET ABOVE CHICAGO CITY DATUM (AND BEING THE UPPER SURFACE OF THE FLOOR AT THE FIRST FLOOR LEVEL OF SAID TOWNHOUSE).

THE TRACT

A PARCEL OF LAND COMPRISED OF THOSE PARTS OF WHARFING LOTS 1 AND 2 IN BLOCK J IN ORIGINAL TOWN OF CHICAGO, A SUBDIVISION IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND OF THOSE PARTS OFF THE LANDS EAST OF AND ADJOINING SAID LOTS LYING WEST OF THE NORTH BRANCH OF THE CHICAGO RIVER, WHICH PARCEL OF LAND IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID WHARFING LOT 1, AND RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID WHARFING LOT 1, AND ALONG AN EASTWARD EXTENSION OF SAID NORTH LINE, A DISTANCE OF 24.25 FEET TO AN INTERSECTION WITH A NORTHWARD EXTENSION OF THE EASTERLY FACE OF THE WOODEN DOCK, AS CONSTRUCTED AS OF AUGUST 7, 1979 (BEING THE DATE OF THE DEED FROM AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, TRUST NUMBER 45799 TO FRANCES MEEHAN RECORDED OCTOBER 18, 1979 AS DOCUMENT NUMBER 25, 198, 718) ON THE WESTERLY SIDE OF THE NORTH BRANCH OF THE CHICAGO RIVER; THENCE SOUTHWARDLY ALONG SAID EXTENDED LINE, AND ALONG SAID EASTERLY FACE OF SAID WOODEN DOCK, A DISTANCE OF 85.66 FEET TO A POINT 49.47 FEET, MEASURED AT RIGHT ANGLES, EAST FROM THE WEST LINE OF SAID WHARFING LOT 1; THENCE SOUTHWARDLY ALONG THE EASTERLY

42096117

UNOFFICIAL COPYEXHIBIT A
(continued)

FACE OF SAID WOODEN DOCK A DISTANCE OF 36.89 FEET TO A POINT 55.71 FEET, MEASURED AT RIGHT ANGLES, EAST FROM SAID WEST LINE OF WHARFING LOT 1; THENCE SOUTHWARDLY ALONG THE EASTERLY FACE OF SAID WOODEN DOCK, A DISTANCE OF 17.54 FEET TO AN INTERSECTION WITH A LINE 25.00 FEET, MEASURED AT RIGHT ANGLES, NORTHERLY FROM AND PARALLEL WITH THE CENTERLINE OF CHICAGO AND NORTH WESTERN RAILWAY COMPANY SPUR TRACK KNOWN AS ICC TRACK NUMBER 100 AS SAID TRACK WAS LOCATED AS OF APRIL 7, 1971 (BEING THE DATE OF THE DEED FROM CHICAGO AND NORTHWESTERN RAILWAY COMPANY TO HARRY WEESE RECORDED JULY 15, 1971 AS DOCUMENT NUMBER 21,546,968); THENCE WESTWARDLY ALONG SAID PARALLEL LINE A DISTANCE OF 54.82 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID WHARFING LOT 2; AND THENCE NORTH ALONG THE WEST LINE OF SAID WHARFING LOTS 2 AND 1 A DISTANCE OF 133.15 FEET TO THE POINT OF BEGINNING.

Permanent Parcel Number: 17-09-306-022-0000
JAMES PAUL WHITMER AND SUSAN ELIZABETH RINKE, HUSBAND AND WIFE, AS TENANTS IN THE ENTIRETY AND NOT AS TENANTS IN COMMON

365 NORTH CANAL STREET, CHICAGO IL 60606
Loan Reference Number : 333426
First American Order No: 42096117
Identifier: FIRST AMERICAN EQUITY LOAN SERVICES

